Q. I have been asking you some questions
about your role as a manager at Business Options.

And if I didn't ask this or if I did ask it, I am
sorry, because I have forgotten. But would it be
fair to say that your role as the manager of
Business Options is basically the same as your
role as manager of Buzz Telecom?

A. Yes.

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- Q. Now, with respect to your brother

  Keanan, does he have day-to-day responsibilities
  as a manager at Business Options?
- A. Not so much with Business Options. I mean, Business Options has no employees. So when you say the day-to-day operations, there is not that much to do, except from a corporate affairs standpoint.
- Q. And what would he do from a corporate affairs standpoint?
- A. That's what I said -- not too much.

  He doesn't have too much to do there.
  - Q. With respect to Buzz Telecom, does

1 Keanan have any day-to-day responsibilities as a 2 manager?

A. Yes.

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- Q. What are those responsibilities?
- A. He manages internal operations of the company at this time, which is hiring personnel; treasury -- making sure bills are paid, that money is collected; delivery of products; quality control; and sales and marketing.
- Q. With respect to sales and marketing, does Keanan then have primary responsibility in terms of the script that the telemarketers use to market Buzz Telecom?
- A. That would be mutually myself and Keanan, the two of us. Both of us would have to approve it.
- Q. How long has that situation been in effect -- that you and Keanan have to approve the script that the telemarketers use?
- A. I have always had to approve the scripts that the telemarketers use, and Keanan is

```
1
     junior to me in our company. So it would be
     something he would sign off on it, but ultimately
2
 3
     it's my determination as to whether something is
     approved or not approved.
 4
 5
                Is there anybody other than yourself
     or Keanan who has a role in reviewing
 6
     telemarketing scripts used by Buzz Telecom?
 7
                Not really.
          Α.
 8
                MR. HAWA: Clarification. By "role in
 9
     reviewing," are you talking about substantive
10
     decision-making?
11
                           That's what I was answering
12
                WITNESS:
13
     yes to.
                MR. SHOOK: Yes.
14
                BY MR. SHOOK:
15
          Ο.
                It seems as though we are on the same
16
17
     wavelength.
18
          Α.
                That's good.
                With respect to Business Options, has
19
          Q.
     it always been you and Keanan who have reviewed
20
     and approved sales scripts for Business Options?
21
```

```
1 A. Really, it has just been me.
```

Q. Primarily yourself?

2

3

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- A. Keanan didn't come to work for the company until about 1995, and then he had to work his way up into the company. Just in the last couple of years has he taken on a more significant role.
- Q. What working relationship do you have with an individual named Elizabeth Ontiveros

  Rosas?
- 11 A. Repeat the question.
- Q. Okay. What working relationship do
  you have with Elizabeth Ontiveros Rosas?
- A. She is more involved with internal operations. So I don't have too much dealings with her.
- Q. Internal operations of what?
- A. She is senior to our treasury,

  delivery and quality control areas of our

  company. So she would work closely with Keanan,

  and not too much with myself.

```
1 Q. Okay.
```

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- A. Since the time when I moved out of the office, I have been really focused on the corporate affairs of our business, which would be more external. And Keanan and Elizabeth would be making sure the day-to-day operations are running smoothly.
  - Q. Now, when you say "our company," were you thinking of Buzz Telecom primarily; and then to a lesser extent, Business Options?
    - A. Yes.
- Q. I just want to make sure we are on the same wavelength in terms of what you responded to when you used the term, "our company."
- 15 A. I am using that term as Buzz Telecom 16 and Business Options.
- Q. And are there any other companies that you have in mind?
  - A. No.
- 20 Q. Just those two?
- 21 A. Yes. Elizabeth is strictly a Buzz

```
1
     Telecom employee.
                        She has dealings with Business
    Options because we are selling a Business Options
2
3
     product. We serve as a Business Options product,
     so that is her involvement.
5
          0.
                How long has Elizabeth been a Buzz
6
     Telecom employee?
 7
          Α.
                I think she is going on three years --
 8
     pretty close to three years.
                So from that, I should infer that
 9
          Ο.
10
     prior to her working for Buzz, that she was a
     Business Options employee?
11
12
          Α.
                No, she was a U.S. Bell employee prior
     to that.
13
14
          Ο.
                And so you and she have been
15
     associated in a business relationship for
16
     approximately three years?
          Α.
                Yes.
17
                And what role -- or how would you
18
          Q.
19
     describe the role that Elizabeth had with respect
     to U.S. Bell?
20
                We hired Elizabeth because of her
21
          Α.
```

```
1
    abilities with computer programming, and neither
2
    Keanan nor myself are experts in that area of the
    business. So Elizabeth -- we recruited to help
3
     us out with databases and any of that type of
4
5
     computer stuff, that type of work.
                Does the name, Gene Chill mean
6
          ο.
     anything to you?
7
          Α.
                Sure.
8
          Q.
                And what kind of business relationship
 9
     did you have with Gene Chill?
10
                We hired Gene in -- I think he started
          Α.
11
     at the end of May. We hired him in April, but he
12
     didn't start working for us until about two
13
14
     months later.
15
                Now, what year are you thinking of
          Q.
16
     here?
17
          Α.
                2002.
18
          Q.
                Okay.
                After our EEOC cycle, I demoted Mr.
19
          Α.
     Brzycki from vice president of administration to
20
     just working for corporate affairs of our
21
```

business. I was looking for a replacement, and somebody referred me to Mr. Chill. Not knowing him before that time, I interviewed him. I liked him, so we hired him as vice president of administration and training to take over some of the same duties that Mr. Brzycki had been working on.

So he was primarily to work in the personnel area of our company and also the marketing. When I say "marketing," I am referring to when we procure customers, how do we sell them additional products and services. But it didn't quite work out. Mr. Chill didn't even last nine months with us. And you mentioned wavelengths, we were never quite on the same wavelength. And even more so, he was directly junior to Keanan, and they just never got on the same page. They just never did, and Mr. Chill is no longer with us.

Q. Would you characterize the parting of ways as mutual, or was it more your asking him to

leave or him deciding to go?

A. Mr. Chill left Buzz Telecom roughly in February because he and Keanan -- it just wasn't working between the two of them. He came to work for Avatar, which is our management company. He wanted to do another project. He wanted to write a book, and we told him that we would decide to help him out.

And when this proceeding took place, it's been very costly for us, so Mr. Chill was let go as a cost savings measure. But that was also because of his writing of the book project, not on -- we parted ways with him being vice president of administration. So we parted ways on that in February, and it was mutual. In a perfect world, you know, running the personnel area of a telecommunications business was not what his life mission was, so --

- Q. Does the name, Shalanda Robinson mean anything to you?
- A. Yes.

```
Q. What business relationship do you have with her?
```

- A. Miss Robinson started as a data entry clerk. I guess that's the appropriate title for her, and she was good at it. She was good at it, and she has worked her way up in the company to being a manager of our data entry, which I think she manages one or two people there. And she helped out with customer service and was pretty good with that, so she is even senior to the customer service area of our business, and she has been promoted to the person responsible for delivery. Her promoted title right now is delivery manager.
- Q. How long has she held that title, roughly?
- A. Roughly two years. I may be off, but roughly two years.
  - Q. And how long has she been associated with you as either Buzz Telecom or Business
    Options, roughly?

```
1
                I think it's been at least four years,
          Α.
    but I don't know for sure.
2
                Does the name, Lisa Green mean
3
          Ο.
     anything to you?
4
          Α.
                Yes.
5
                What business relationship, if any, do
          0.
6
     you have with Lisa Green?
7
                Lisa is working on regulatory files at
8
     this time.
9
                Approximately how long has she been
10
          ο.
     working on regulatory files?
11
12
          Α.
                She started last October, so nine
     months roughly.
13
14
          Ο.
                And what was it that she did prior to
     that time?
15
                She was not employed with us prior to
16
          Α.
     that time.
17
                With respect to the regulatory files,
18
          Q.
     does Lisa report to anybody in particular?
19
                 She reports to Shannon Dennie.
20
          Α.
                How long has that reporting
21
          Q.
```

```
1 | relationship existed, roughly?
```

- A. Since she started. They were hired approximately the same time period.
  - Q. And so Shannon is Lisa's supervisor?
- 5 A. Yes.

4

б

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16

17

- Q. And what responsibilities does Shannon have, other than supervising Lisa?
- Well, together they work on anything 8 that has anything to do with legal or regulatory 9 issues. Or if a consumer ever files a complaint 10 with the UPC, then they address it. Ultimately, 11 12 Shannon's responsibility is to make sure we are operating completely legal and that we are in 13 compliance with any state or regulatory 14 1.5 authority.
  - Q. And you had mentioned that Shannon and Lisa were hired at about the same time?
    - A. Yes.
- Q. And was their hiring in any way related to Mr. Brzycki's departure?
- 21 A. Yes.

```
1 Q. And in what manner?
```

- A. Mr. Brzycki left, but the work was still there.
  - Q. Okay.

4

5

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- A. And not only did Mr. Brzycki leave, who was doing all that work for us, but the person who he had been working with for a long period of time, who also knew what had to be done, took a maternity leave. So Miss Green and Miss Dennie were hired to fill that void.
- Q. Who was the person that you are referring to who was Mr. Brzycki's assistant?
- 13 A. I don't know her last name. Her first
  14 name was Amy.
- 15 Q. Amy Dixon?
- 16 A. Yes. Thank you.
- 17 | O. Has she returned from maternity leave?
- 18 A. Yes.
- 19 Q. Approximately when did she return?
- 20 A. Approximately three months ago.
- Q. What are her current duties?

```
1
          Α.
                She assists Keanan, and she will
2
     assist me if I need something. If I need
     somebody to get me coffee or run an errand or go
3
4
     to the post office or do banking, she will do
5
     that. And filing -- she does filing.
 6
          Q.
                Does Shannon Dennie report to Keanan?
 7
          Α.
                She reports to me.
                She reports to you?
 8
          Q.
 9
          Α.
                Me.
10
          Ο.
                She reports to you?
                Yes.
11
          Α.
12
          Q.
                Has she always reported to you?
                She should have always reported to me.
13
          Α.
                         We understand there is a
14
          Q.
                Right.
15
     difference between the real world and the perfect
16
     world.
17
          Α.
                Yes.
                I am going to try to clarify in my own
18
          Q.
19
     mind the relationship between Buzz Telecom and
     Business Options. We may end up covering some of
20
21
     the ground that you have already discussed --
```

```
Okay.
1
          Α.
2
                -- in your overview, so please bear
          Ο.
    with me here.
3
                Sure.
          Α.
                Is Buzz Telecom a subsidiary of
5
          Q.
     Business Options, Inc., to your understanding?
6
                No.
          Α.
7
                So Buzz Telecom would be a corporation
          Q.
8
     completely separate from Business Options,
9
     Inc. --
10
11
          Α.
                Yes.
                 -- in terms of corporate structure?
12
          Ο.
13
          Α.
                Yes.
                Do Buzz Telecom and Business Options
14
          Q.
     share common employees?
15
          Α.
                No. Business Options has no
16
     employees.
17
          Ο.
                 Have Buzz Telecom and Business
18
     Options, Inc. ever shared common employees?
19
                      The employees, prior to being
20
          Α.
                 No.
     Buzz Telecom employees, were U.S. Bell employees;
21
```

1 and previous to that, Business Options employees.

- Q. Do Buzz Telecom and Business Options share office space?
- A. The majority of the regulatory dealings are in our Avatar offices. So I would say more accurately that Avatar and Business Options share office space.
  - Q. Currently?
- A. Yes.

2

3

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- Q. Was there ever a time that Buzz

  Telecom and Business Options, Inc. shared office
  space?
- MR. HAWA: If I could ask for

  clarification, it seems to me that the questions

  that are being asked now go to corporate legal

  structure. So are you talking from the legal

  standpoint, or are you talking about pure

  corporate structure, as a matter of corporate

  law?
- MR. SHOOK: More the former.
- 21 | WITNESS: Okay. Did I answer

```
correctly?
1
                BY MR. SHOOK:
2
                What I am thinking of is, was there a
          Q.
3
     time when individuals who were working for Buzz
4
     Telecom were sharing office space with
5
     individuals who were working for Business
6
     Options, Inc.?
7
                They did not. But there were Buzz
          Α.
8
     Telecom employees that were working on Business
9
     Options work.
10
                So one could be employed by Buzz
11
     Telecom and be performing work that would somehow
12
     benefit --
13
          Α.
                Yes.
14
                -- Business Options, Inc.?
15
          Q.
                       For instance, Mr. Brzycki and
16
          Α.
                Yes.
     Miss Dixon -- they were employed by Buzz Telecom,
17
     yet they were handling the regulatory affairs of
18
     Business Options as part of their day-to-day
19
20
     duties.
                 And you mentioned that prior to Buzz
21
          Q.
```

```
1
     Telecom coming into existence, the relationship,
2
     if you will, that exists between or existed
3
    between Buzz Telecom and Business Options, Inc.
     was the same relationship that existed between
4
     U.S. Bell --
5
          Α.
                Yes.
6
 7
          Q.
                -- and Business Options, Inc.?
          Α.
                Yes.
8
                So in a sense, from a practical
 9
          0.
     standpoint, Buzz Telecom is the successor to U.S.
10
     Bell?
11
12
          Α.
                Yes.
                      In June of last year, we brought
     everybody out of U.S. Bell and routed everybody
13
14
     into Buzz Telecom.
                So once Buzz Telecom came into
          Q.
15
     existence, U.S. Bell, as a functioning entity,
16
     essentially ceased to exist?
17
                Yes, which goes back to the cease and
18
          Α.
     desist we had gotten from Southwest Bell.
19
                About using the name U.S. Bell?
20
          Q.
          Α.
                Yes.
21
```

```
Q. Okay. Had you ever heard of an entity
by the name of Great Lakes Verification Company?
```

A. Yes.

3

4

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10

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- Q. Do you know where Great Lakes
  Verification Company is located?
  - A. It doesn't exist at this time.
- Q. When it did exist, to your knowledge, where was it located?
  - A. Right next door to where Buzz Telecom currently is. I think the address is 8385

    Louisiana.
    - Q. What kind of physical separation existed between the office of Buzz Telecom and Great Lakes Verification Company?
  - A. Great Lakes had its own entranceway to the street. If you can picture a long office, Buzz Telecom had an entrance, and Great Lakes had its own entrance. There was a -- Inside of Great Lakes Verification, once you got in, there was a common door that would allow access into Buzz Telecom and also for use of the restrooms.

```
1
                Now, you had mentioned that Great
          Ο.
2
     Lakes Verification Company no longer exists.
     What knowledge do you have as to why it no longer
3
     exists?
4
 5
          Α.
                The woman that started Great Lakes
     Verification stopped doing verifications and went
 6
 7
     to college or something.
                And who was that?
 8
          Ο.
                Her name was Alethea Gray.
 9
          Α.
                Do you know how to spell her last
10
          Q.
11
     name?
                I believe G-R-A-Y. She may have been
12
          Α.
     Alethea Smith at the time. But sometime in the
13
     process, she got married.
14
                Was it your understanding that she was
15
          Ο.
     the sole owner of Great Lakes Verification
16
     Company?
17
18
          Α.
                Yes.
                 What kind of contractual agreement, if
          Ο.
19
     any, did Buzz Telecom have with Great Lakes
20
     Verification Company?
21
```

```
1
         Α.
               Buzz Telecom didn't.
                                      Do you want me
2
    to answer for Business Options? It was Business
3
    Options at the time.
         Q.
               Okay. So let me ask the question.
5
         Α.
               Okay.
         Q.
               What contractual arrangement, if any,
6
```

- Q. What contractual arrangement, if any, did Business Options, Inc. have with Great Lakes Verification Company?
- A. We had a contract with Great Lakes to do verifications. And in our discovery, we could not find a copy of the contract. I don't think you guys have a copy of it, either. I didn't see it.
- Q. So it's your understanding or your recollection that a written contract did exist --
- A. Yes.

7

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12

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14

1.5

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- Q. -- between Business Options and Great
  Lakes Verification?
  - A. Yes. And you asked me an earlier question of why it doesn't exist anymore, and that jogged my memory. I don't think financially

```
1
     it worked out very well for Miss Gray,
     financially speaking.
2
3
          O.
                In other words, the amount of money
     that was coming from Business Options to Great
4
     Lakes wasn't sufficient to keep Great Lakes in
5
     business?
6
 7
          Α.
                Yes.
                Was there ever a time when there were
 8
          Ο.
     common employees of Business Options and Great
 9
     Lakes Verification?
10
                Not to my knowledge.
11
          Α.
                Was there ever a time when there were
12
          Ο.
     common employees between U.S. Bell and Great
13
14
     Lakes Verification?
                U.S. Bell and Great Lakes -- well, it
15
          Α.
     might be helpful if I just elaborated on this.
16
                WITNESS: Is that okay with you?
17
                MR. HAWA: Uh-huh.
18
                      After Miss Gray decided not to
          Α.
                Okay.
19
20
     do verifications any longer, at that time my
     brother was doing something that was not working
21
```

for Business Options. So he took over what Miss

Gray was doing -- he took over the contractual

end and started becoming Great Lakes

Verifications. As it turned out, it was

determined that it would be in our best interest

if he came to work for Business Options. And at

that time --

MR. HAWA: Time frame.

A. That had to be prior to the year 2000; I don't know the exact date. Anyhow, at that time, there was a gentleman -- I may be a little bit inaccurate -- but a man named Tony Lowe. At that point he took over the verification company from Keanan, and then Keanan subsequently started working for Business Options and U.S. Bell. And that's where he is now at. When Tony Lowe -- and I don't recall what the verification company was called, but when Tony Lowe had the verification company, there were no common employees. I think that was your question. I don't know the exact time frame he did the verifications, but it was

roughly for a year and a half or two years. But we decided to part ways or terminate Mr. Lowe's contract. He had actually opened a store inside his office and was having people buy soda pop and cookies and stuff.

MR. HAWA: He was an entrepreneur.

A. Yes. Anyway, we did not feel we had an arm's length relationship with Mr. Lowe. He was just too friendly with the staff. It was okay that he was making money, but it was also distracting. It was wasting time for people to stop in and say hello to him. He was a friendly guy.

his contract, another gentleman wanted to try a verification company. So he moved in, and Mr.

Lowe moved out. He moved in, and the idea was we would help him get started if he was going to find other long-distance customers and do verifications for us. He utilized our staff members to do verifications. The man is a CPA

```
and discussed doing some type of employee
leasing. And I don't know that I ever quite
understood what he had in mind, but the basic
concept is he would sub-lease the space where
Tony Lowe had his verification company and use
some employees that we had. And then he would
attract more customers and hopefully build up his
verification company in return for giving us a
good rate on our verifications, which I think our
cost was $500 plus his basic costs -- the cost of
employees and whatever, audiotapes and whatever
else he used. So he gave us a good deal on the
verifications, and his goal was to become a
full-blown verifications company. He didn't go
out and procure any other customers, though.
           And at this point -- I quess it was
probably October of last year, we started looking
into additional third-party verification
companies -- people who were more skilled in
doing verifications. And we found a company
called -- I think they are called The
```

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